

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Debtor.

Adv. Pro. No. 08-1789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

IRVING H. PICARD, Trustee for the
Liquidation of Bernard L. Madoff
Investment Securities LLC,

Plaintiff,

v.

J. EZRA MERKIN, GABRIEL CAPITAL,
L.P., ARIEL FUND LTD., ASCOT
PARTNERS, L.P., ASCOT FUND LTD.,
GABRIEL CAPITAL CORPORATION

Defendants.

Adv. Pro. No. 09-01182 (SMB)

STIPULATION OF VOLUNTARY DISMISSAL WITH PREJUDICE

The plaintiff, Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC and the estate of Bernard L. Madoff, by and through his undersigned counsel, and defendants Ascot Partners, L.P., through its Receiver, Ralph C. Dawson, Ascot Fund Limited, J. Ezra Merkin, and Gabriel Capital Corporation (collectively, “the Defendants”), by and through their undersigned counsel (collectively, the “Parties”), hereby agree and stipulate as follows:

1. On August 30, 2013, the Trustee filed the Third Amended Complaint in the above-captioned adversary proceeding in which he asserted claims against the Defendants (the “Claims”).

2. On June 12, 2018, the Trustee and Defendants entered into a settlement agreement pursuant to Federal Rule of Bankruptcy Procedure 9019.

3. On July 3, 2018, this Court entered an Order approving the settlement agreement between the Trustee, on the one hand, and the Defendants, on the other hand (the “Settlement”). (ECF No. 454) The Settlement provides, among other things, for a release of the Claims, as well as any known or unknown claims as against the Defendants and the Trustee.

4. In accordance with Federal Rule of Bankruptcy Procedure 7041 and Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the Trustee and the Defendants hereby stipulate to a dismissal with prejudice of the Claims and the Adversary Proceeding, with each party bearing its own costs, attorneys’ fees, and expenses.

5. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

6. The Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic, or electronic copy of this Stipulation shall be deemed an original.

Dated: April 8, 2019
New York, New York

/s/ Lan Hoang

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the Substantively Consolidated SIPA
Liquidation of Bernard L. Madoff
Investment Securities LLC and the chapter 7
estate of Bernard L. Madoff*

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*Attorneys for Receiver of Ascot Partners L.P.
and Ascot Fund Limited*

SO ORDERED:

April 8th, 2019

/s/ STUART M. BERNSTEIN

**Honorable Stuart M. Bernstein
United States Bankruptcy Judge**